

REMARKS

This Amendment is responsive to the Office Action dated July 25, 2005. Claims 1-20 were pending in the application. In the Office Action, claims 1-20 were rejected. In this Amendment, claims 1, 3, 6, 8, 10, 13, 15 and 17 were amended. Claims 1-20 thus remain for consideration.

Applicant submits that claims 1-20 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

Claim Objections

Claims 8-14 were objected to for containing errors in syntax.

Claim 8 has been amended as suggested by the Examiner. Accordingly, Applicant respectfully requests withdrawal of the objections.

§§ 102 Rejections

Claims 1-3, 5-10, 12-18 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Fulghum (USPN 4,993,081).

Claims 1, 4, 5, 7, 8, 11, 12, 14-16, 19 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Pu (USPN 6,484,323).

Applicant submits that independent claims 1, 8 and 15 are patentable over Fulghum and Pu either taken alone or in combination.

Applicant's invention as recited in the independent claim 1, 8 and 15 are directed towards a headpiece assembly, a three position headpiece and a headpiece assembly, respectively. For example, independent claim 1 specifies that the headpiece assembly comprises a visor portion, a continuous fastening mechanism, a crown portion and a sweatband portion. Claim 1 further specifies that (1) the sweatband portion runs the

length of an inner surface of the hatband, (2) the sweatband portion has a lower edge that is attached to a lower edge of the hatband and (3) the sweatband portion has a free upper edge positioned below an upper edge of the fastening mechanism. Supporting disclosure for Applicant's sweatband can be found throughout the specification. (For example, see page 7, line 16 to page 8, line7).

Fulghum and Pu do not disclose a sweatband portion, let alone, a sweatband portion that (1) runs the length of an inner surface of the hatband, (2) has a lower edge attached to a lower edge of a hatband and (3) has a free upper edge positioned below an upper edge of a fastening mechanism.

Since Fulghum and Pu do not disclose a sweatband portion that (1) runs the length of an inner surface of the hatband, (2) has a lower edge attached to a lower edge of a hatband and (3) has a free upper edge positioned below an upper edge of a fastening mechanism, Applicant believes that independent claim 1 is patentable over Fulghum and Pu -- either taken alone or in combination -- on at least this basis.

Claims 2-7 depend on claim 1. Since claim 1 is believed to be patentable over Fulghum and Pu, claims 2-7 are believed to be patentable over Fulghum and Pu on the basis of their dependency on claim 1.

Claims 9-14 depend on claim 8. Since claim 8 is believed to be patentable over Fulghum and Pu, claims 9-14 are believed to be patentable over Fulghum and Pu on the basis of their dependency on claim 8.

Claims 16-20 depend on claim 15. Since claim 15 is believed to be patentable over Fulghum and Pu, claims 16-20 are believed to be patentable over Fulghum and Pu on the basis of their dependency on claim 15.

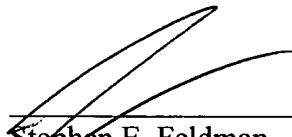
CONCLUSION

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully Submitted,



Stephen E. Feldman
Reg. No. 22,473

STEPHEN FELDMAN, P.C.
12 East 41st Street
New York, NY 10017
(212)532-8585